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Chairman: Mr. LEHMANN (Denmark)

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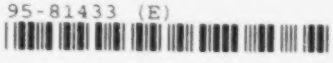

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 146: MEASURES TO ELIMINATE INTERNATIONAL TERRORISM (continued) (A/50/67-S/1995/64, A/50/128-S/1995/247, A/50/133-S/1995/282, A/50/135-S/1995/293, A/50/168-S/1995/341, A/50/215-S/1995/475, A/50/254-S/1995/501, A/50/305-S/1995/608, A/50/315-S/1995/622, A/50/359-S/1995/718, A/50/372 and Add.1 and A/50/457-S/1995/811)

1. Mr. TA'AMA (Togo) said that, at the previous session, his delegation had unreservedly supported resolution 49/60 approving the Declaration on Measures to Eliminate International Terrorism, which marked an important milestone in the search for ways to eliminate that scourge. Togo was now party to the principal international conventions relating to international terrorism.

2. Convinced that cooperation could be a valuable instrument in the struggle against subversive and terrorist activities, Togo had subscribed to the initiatives taken to strengthen security in the subregion. During the visit of Mr. Rawlings to Togo on 26 July 1995, the heads of State of Ghana and Togo had reaffirmed the need to strengthen their cooperation. In addition, Togo was associated with Benin, Ghana and Nigeria in a criminal police cooperation agreement signed at Lagos on 10 December 1984. Togo also belonged to the organization known as the Agreement on Non-Aggression and Assistance in Matters of Defence (ANAD), which had elaborated a protocol, signed at Bamako, on 29 October 1984, concerning arrangements for the exchange of information and documents in the field of security and assistance among police and security forces, as well as the good-neighbourliness framework agreement, adopted at Bamako, on 29 October 1984, and the convention on cooperation in the legal field, which was adopted at Nouakchott, on 21 April 1987.

3. Still at the regional level, experts from the member States of the Council of the Entente (Benin, Burkina Faso, Côte d'Ivoire, Nigeria and Togo) had met on 15 and 16 February 1995, at Lomé. They had proposed, pending the elaboration of a convention by the Council of the Entente, that each member country should make every effort to attribute a criminal characterization to the terms "terrorism" and "sabotage" and that all violent criminal activities liable to promote terror should trigger the application of the extradition provisions contained in the relevant regional conventions in force. The conclusions of the experts included a series of measures for suppressing and combating crime and a draft convention on assistance and cooperation in the field of security aimed at establishing close cooperation among the security services of the member States of the Council of the Entente. Togo was entrusted with the task of preparing a draft of the convention.

4. The delegation of Togo took careful note that the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna organized workshops and training seminars and assisted Member States by providing advisory services in the field of legislation and measures and strategies for the prevention, control and suppression of criminal activities, including terrorism.

5. Ms. ARYSTANBEKOVA (Kazakstan) said that the Declaration on Measures to Eliminate International Terrorism contained in the annex to General Assembly

resolution 49/60 was one of the most important documents adopted during the previous year. Convinced of the need for cooperation at the international, regional and national levels, Kazakstan had become a party to five of the principal international instruments mentioned in the preamble to the Declaration. It had also become a member of the International Atomic Energy Agency and it intended to honour all of its commitments. Universal adherence to international instruments to combat terrorism would help to strengthen the international regime that was being developed.

6. Kazakstan attached great importance to regional cooperation because the history, culture and traditions which united the region, like its common frontiers, all contributed to success. Such cooperation must be based on prevention. Accordingly, the member States of the Commonwealth of Independent States (CIS) had been successfully cooperating in the struggle against organized crime and terrorism. They had signed at Alma Ata on 24 April an agreement on reciprocity and cooperation and had established a bureau to coordinate their efforts to suppress organized crime and other forms of criminality.

7. Cooperation was also satisfactory within the Economic Cooperation Organization and Kazakstan had participated within that framework in the elaboration of a draft agreement to combat the illegal diversion of narcotic and psychotropic substances. As the Declaration on Measures to Eliminate International Terrorism correctly emphasized, that activity was linked to terrorism.

8. Turning to the subject of bilateral cooperation, Kazakstan had concluded bilateral cooperation agreements to combat terrorism with the member States of CIS, the Baltic countries, China, Germany, Italy, Mongolia, Pakistan, Turkey and other countries. The competent authorities, moreover, were currently elaborating a draft intergovernmental framework agreement on cooperation to combat organized crime, the unlawful diversion of narcotic and psychotropic substances, terrorism and other forms of crime. Generally speaking, Kazakstan's experience with bilateral cooperation suggested that such cooperation offered many possibilities, whatever the legal systems of its partners.

9. She supported the efforts being made by the United Nations system to combat terrorism, such as the elaboration of the draft Code of Crimes against the Peace and Security of Mankind and the draft statute of the international criminal court. Governments should expand the exchange of information concerning their regulations to combat terrorism. Finally she vigorously denounced terrorism and appealed for closer international cooperation to combat that scourge.

10. Mr. CHAVES (Kyrgyzstan) said that his country condemned terrorism outright and was determined to combat it in all its forms and to bring its perpetrators to justice without delay. The international community should do the same, using as a basis the Declaration adopted the previous year in resolution 49/60 of the General Assembly.

11. Reviewing the various forms of terrorism, he condemned States which stockpiled weapons of mass destruction, whether nuclear, biological or chemical, and threatened to use them. Since terrorist acts which were born in the sick minds of isolated individuals also caused numerous victims, an inflexible

approach should be adopted to such individuals. The international community should treat them as criminals and not yield to their blackmail. As for States that supported terrorism, the international community should impose economic, diplomatic and political sanctions against them. States were also under an obligation to extradite individuals involved in terrorist acts and should refrain from granting them asylum.

12. Kyrgyzstan supported the strengthening of the international law relating to the suppression of terrorism and looked forward to the results of the work being done by the Secretary-General, in accordance with paragraph 10 of the annex to resolution 49/60, on international instruments relating to terrorism, the related analytical review and the compendium of national laws and regulations in that field.

13. Far from being merely a supplementary measure, the convening of an international conference on international law and the suppression of terrorism would be an important step towards the strengthening of national cooperation, the coordination of actions and the elaboration of a mechanism to combat terrorism. It was important, however, to avoid duplication and to ensure that the matter was not dealt with in the same way by different organs.

14. In conclusion, international terrorism was undoubtedly an international crime but it could also be considered as a national crime subject to national laws. Pending the establishment of an international court to hear crimes of international terrorism and to establish jurisprudence in that field, national courts should do their duty and take action to suppress terrorist activities.

15. Mr. BELLOUKI (Morocco) said that, at the seventh summit of the Organization of the Islamic Conference held in Casablanca from 13 to 15 December 1994, the Organization's member States had adopted a code of conduct for combating international terrorism and a resolution on the strengthening of Islamic solidarity in combating hijacking. They had also committed themselves firmly to combating terrorism and taking bilateral and collective measures.

16. The Islamic States reaffirmed their condemnation of terrorism, which constituted a blatant transgression of the teachings of Islam and a flagrant violation of its values and traditions. The unacceptable generalization which consisted of linking Islam to terrorism should be rejected.

17. The Islamic States therefore reiterated their firm determination to participate in international efforts aimed at eliminating terrorism in all its forms. They fully endorsed the measures advocated in paragraph 5 of the Declaration annexed to General Assembly resolution 49/60. With respect to paragraph 10, they hoped that the necessary resources would be made available to implement its provisions. His delegation was convinced that the United Nations and its specialized agencies had a key role to play in the strengthening of international cooperation with a view to the prevention and suppression of terrorism.

18. Mr. de SILVA (Sri Lanka) said that the Declaration which the General Assembly had adopted at its forty-ninth session was a landmark in the struggle

against international terrorism. Its success would depend, however, on the effectiveness of the steps taken to implement its terms and provisions.

19. For a long time, his country had suffered wanton damage at the hands of a ruthless band of terrorists masquerading as the liberators of an ethnic minority. Sri Lanka, a multiracial State which was firmly committed to the rule of law, democracy and the observance of human rights, had a constitution and administrative structures and systems which guaranteed essential fundamental rights and freedoms to all its citizens. There was therefore no ground whatsoever for resorting to acts of violence and terror; his Government was committed to protecting and safeguarding the rights of all its citizens without exception and it had opened negotiations with representatives of the ethnic groups which rejected the recourse to violence.

20. By urging States to take all appropriate measures at the national and international levels to eliminate terrorism, paragraph 4 of General Assembly resolution 49/60 underscored the fact that terrorism at the national level and terrorism at the international level were but two sides of the same coin. Thus each State must eliminate all acts of terrorism and all conspiratorial activity that took place within its own jurisdiction even if its territory was not directly threatened.

21. The implementation of the Declaration should not be delayed until the theoretical and philosophical debate concerning an acceptable definition of terrorism was concluded. His delegation therefore endorsed the proposals made by the Secretary-General concerning action to implement the Declaration and exhorted all Member States to provide all the necessary information.

22. It was a truism that, in order to deal with a world-wide phenomenon such as terrorism, all Member States should act in unison and coordinate their efforts, because terrorists, for their part, could often secure support abroad. States must cooperate not only by implementing the applicable and relevant conventions and legal instruments but also by exchanging information, by joining in surveillance operations and by extraditing those engaged in that criminal activity.

23. In the area of terrorism, the pursuit of selfish national objectives was self-defeating and was likely to embitter international relations. Under paragraph 4 of the Declaration, States were enjoined to refrain from acquiescing in or encouraging activities within their territories directed towards the commission of terrorist acts. The inaction of certain Governments in the face of so-called liberation movements which operated liaison offices or information offices located on their territory was a form of acquiescence. For example, the Declaration should cover a situation in which a State tolerated public appeals on its territory for funds for the purchase of arms; it should therefore be amended to cover not only completed acts of terrorism but attempts as well as acts of preparation for the commission of terrorist acts.

24. Similarly, the scope of the obligation in paragraph 5 (a) of the Declaration for Member States to refrain from financing terrorist activities should be extended to cover the surveillance of the conduct of the so-called

refugees who used the aid provided by the countries of asylum to finance acts of terrorism.

25. The often used excuse that the absence of empowering legal provisions precluded any corrective action was at variance with the imperative provisions of paragraphs 5 (e) and (f) of the Declaration, which enjoined States to take promptly all steps necessary to implement the existing international conventions on that subject including the harmonization of their domestic legislation with those conventions, and to take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker had not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status was not used in a manner contrary to the provisions set out in subparagraph (a).

26. Because of its characteristics, terrorism deserved to be categorized as a crime against humanity. The international community must therefore deal with terrorism with the same degree of seriousness and earnestness as it would other similar crimes.

27. Mr. STEPANOV (Ukraine) condemned terrorism, in particular the terrorist attacks in Oklahoma City and the Tokyo subway and stressed the need to strengthen international cooperation to combat that scourge as well as the key role that the United Nations and its specialized agencies played in that regard. He emphasized the importance of General Assembly resolution 49/60, in particular paragraph 1 of the Declaration on Measures to Eliminate International Terrorism, which condemned all acts, methods and practices of terrorism which threatened the territorial integrity and security of States. His country, which attached considerable importance to the notion of territorial integrity of States as one of the most important principles of contemporary international law, was among those which had requested the inclusion of that provision in the Declaration.

28. Reviewing the cooperation activities undertaken by his country to combat terrorism, he said that Ukraine had participated in the preparation of major international legal instruments on terrorism and that it was party to 9 of the 10 instruments mentioned in the preamble of the Declaration. His country had also signed in 1991 the Convention on the Marking of Plastic Explosives for the Purpose of Detection and should soon become a party to it. Moreover, Ukraine sent representatives to participate in several international seminars on measures to combat terrorism and organized crime as well as on illicit arms and drug trafficking, to which terrorism was often related. His country was especially interested in the prevention of such forms of crime.

29. At the national level, his Government had established a special subdivision for counteracting international terrorism. Ukraine had also concluded a number of bilateral agreements on the exchange of information concerning specific individuals involved in terrorist groups.

30. The analytical review mentioned in paragraph 10 (c) of the Declaration would greatly facilitate international cooperation and the establishment of the legal framework conducive to the implementation of measures to combat terrorism. His delegation also wished to stress the need for the United Nations and its specialized agencies to search for new means of combating terrorism.

31. He drew the Committee's attention to the Convention on the Safety of United Nations and Associated Personnel. The Convention provided for criminal proceedings against individuals accused of attacking United Nations peace-keepers. Such attacks could be qualified as "related" to terrorist acts. His country, which was a party to the Convention, urged the States that had not yet ratified the Convention to do so as soon as possible.

32. Mr. GUILLÉN (Peru) recalled that Peru had been suffering for almost 20 years from the activities of the most violent terrorist group in the Western world, whose nature the international community had for too long failed to understand. Clearly, the Peruvian people were no strangers to the harm that terrorism could do to respect for human rights, democracy, the economy and the social fabric in general. Fortunately, an end to that danger was at hand, and the struggle against terrorism had become purely a police matter.

33. At the ninth Meeting of Heads of State and Government of the Permanent Mechanism for Consultation and Concerted Political Action, held recently at Quito, Ecuador, the Governments of the 14 American countries members of the Rio Group had reaffirmed their condemnation of terrorism in all its forms and their determination to combat it in a vigorous and concerted manner.

34. As a party to 7 of the 10 international treaties in force concerning international terrorism, Peru welcomed the adoption by the General Assembly at its forty-ninth session of the Declaration on Measures to Eliminate International Terrorism; that instrument should be quickly and fully implemented.

35. While it was true that the problem of terrorism had recently become less acute, at least in quantitative terms, it had not ceased to exist, and it continued to pose a threat to international security. Nothing could justify it, not even the right of peoples to self-determination embodied in international law. Without denying or disputing that inalienable right, the international community ought to rephrase the provisions of multilateral instruments that could be construed as condoning certain terrorist activities.

36. The broadest international cooperation in the areas of policy, justice, information exchange and training, together with the progressive development of international law were among the most effective weapons in the struggle against terrorism. The United Nations system had a decisive role to play in that struggle.

37. Mrs. SEMAMBO KALEMA (Uganda) said that her delegation strongly supported the Declaration on Measures to Eliminate International Terrorism adopted by the General Assembly at its forty-ninth session and attached great importance to its implementation. It firmly believed that strong measures to combat that scourge must be taken at the national and international levels.

38. The Government of Uganda had not yet enacted specific legislative measures regarding the prevention or elimination of international terrorism, but the penal code contained provisions for the punishment of acts of terrorism. Uganda was ready to cooperate with other States with a view to strengthening judicial cooperation and the exchange of information, and to ensure appropriate

prosecution and punishment of persons who had committed terrorist acts. Uganda had already ratified a number of international instruments relating to various aspects of terrorism, and it subscribed to the idea of concluding related regional agreements.

39. Her Government was convinced that it was necessary to increase public awareness of the scourge of terrorism and believed that more workshops and seminars should be organized on ways of combating crimes related to international terrorism, including drug trafficking, unlawful arms trade and money laundering. The growing, dangerous linkage between terrorists and drug traffickers was a matter of great concern and required a vigorous response on the part of the international community.

40. Mr. PINEDA ESPINOZA (Honduras) said that only international cooperation and universal implementation of existing instruments would lead to the elimination of all forms of terrorism. While fully supporting the Secretary-General's report on measures to eliminate international terrorism (A/50/372 and Add.1), he wished to point out, in the context of the compendium of national laws and regulations regarding the prevention and suppression of international terrorism, that all States should be able to communicate the relevant information in any of the official languages of the United Nations, since the cost of translation would be beyond the means of countries such as Honduras.

41. However, he welcomed the Secretary-General's interest in organizing workshops and seminars on ways of combating crimes related to international terrorism. Aware that no country was safe from terrorism, his Government urged all States which had not yet done so to become parties to the various anti-terrorism instruments.

42. Mr. LEMMA (Ethiopia) said that terrorism, which had been repeatedly condemned in numerous international forums, nevertheless continued to pose a threat to international peace and security. Thus, the hopes born of the end of the cold war were being thwarted by a limited group of people. Repeated condemnations had proved insufficient, and the international community must undertake specific measures to combat acts of terrorism. Such threats to international peace and security could not be justified under any circumstances.

43. Although at times some States were more seriously affected than others, the disease of terrorism was slowly but surely spreading to all parts of the globe. The international community must demonstrate its commitment to abide by the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly at its forty-ninth session, as well as the other conventions and treaties which contained similar calls to action.

44. Mr. SHAH (India) said that terrorism was intrinsically a violation of human rights and a threat to the sovereignty and territorial integrity of nations, particularly democracies and multicultural nations. Terrorism was another word for war.

45. His delegation welcomed the adoption of the Declaration on Measures to Eliminate International Terrorism, the text of which was annexed to General Assembly resolution 49/60. However, despite the consensus of the international

community, certain States continued to sponsor, support, arm, finance and train terrorists and unleash them in other countries to commit their crimes. As for countries which granted political asylum to terrorists, they failed to understand the meaning of humanitarian principles and merely encouraged terrorism and hostage-taking.

46. No political or social goals could justify violence, particularly when it targeted innocent people. But it was not enough to condemn the scourge of terrorism; it was necessary to cooperate and to take united action against it. The Declaration on Measures to Eliminate International Terrorism was only a framework; it was necessary to move quickly to put in place a legal instrument having binding force. The growth and spread of terrorism meant that the international community needed a universally accepted international regime to combat that menace. Negotiations on a binding international convention should therefore be initiated as early as possible.

47. The report submitted by the Secretary-General (A/50/372 and Add.1) pursuant to General Assembly resolution 49/60 took a largely procedural approach and did not address the issue in a substantive manner. Paragraph 10 (c) of the Declaration on Measures to Eliminate International Terrorism had been perfectly clear: it required an analytical review in order to assist in developing further a comprehensive legal framework of conventions dealing with international terrorism. A strictly descriptive report as proposed in paragraph 12 of document A/50/372 would not suffice. Meanwhile, paragraph 10 (d) of the Declaration dealt with the possibilities offered within the United Nations system for providing assistance to States in organizing workshops and training courses on combating crimes connected with international terrorism; his delegation hoped that the Secretariat would be more specific and would come up with proposals to that effect.

48. The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances should be added to the international instruments related to international terrorism listed in the report, in order to highlight the close and growing nexus between international terrorism and drug trafficking. Finally, the speed with which terrorism was spreading its menace meant that the United Nations could not relax its vigilance for an instant and that the Sixth Committee must therefore consider the question on an annual basis.

49. Mr. ABOU-HADID (Syrian Arab Republic), while noting the efforts of the international community to combat all forms of terrorism, in particular the many international instruments adopted for that purpose, including the Declaration on Measures to Eliminate International Terrorism adopted at the forty-ninth session of the General Assembly, said that the problem nevertheless had not been resolved, as the ravages of terrorism continued in many countries. It was imperative that international criteria should be formulated to distinguish terrorism from the legitimate liberation struggles of peoples under foreign occupation.

50. His country, which had suffered from the effects of terrorism, was convinced of the need to struggle ceaselessly against that plague within the framework of a cooperative international effort to eliminate and prevent all its

manifestations, whether on land, at sea or in the air. That was why the Syrian Arab Republic was actively cooperating in that struggle by participating in efforts to free hostages, and why it had signed the Tokyo, Hague and Montreal Conventions as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly on 14 December 1973.

51. The Syrian Arab Republic welcomed the adoption by the General Assembly of its resolutions 42/159 and 44/29, which not only outlined concrete measures against international terrorism, but also requested the convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation. The fact that foreign occupying authorities invoked the need to struggle against terrorism in order to justify the violence of which they were guilty against peoples struggling for national liberation made it all the more necessary to define international terrorism.

52. In the view of his delegation, the mandate of the working group whose creation had been called for should be limited to preparation of the international conference envisaged in the two General Assembly resolutions cited above; the work of that group should serve as the basis for a framework convention that would organize the struggle against international terrorism.

53. In conclusion, his delegation welcomed both the Secretary-General's follow-up to paragraph 10 of the Declaration on Measures to Eliminate International Terrorism and the report he had issued.

54. Mr. HAMZA (Iraq), speaking in exercise of the right of reply, rejected as entirely groundless the allegations made by the representative of Kuwait at the 8th meeting of the Committee, accusing Iraq of supporting terrorism. On the contrary, it was Kuwait that was using terrorism to destabilize Iraq, as witnessed by Kuwait's financing of two aerial exclusion zones imposed unilaterally, illegally and in violation of Security Council resolutions, and by its prolongation of an embargo that was tantamount to veritable genocide against the Iraqi people. Nor could any informed observer give credence to the renewed allegation by the representative of Kuwait that Iraq had hatched an assassination plot against the former President of the United States of America, Mr. George Bush. In asserting that the Iraqi regime was totalitarian, the representative of Kuwait was feigning ignorance of the referendum scheduled for 15 October in Iraq on the office of the President of the Republic; one might well ask if the first family of Kuwait was prepared to submit itself to such scrutiny. Finally, in the face of Kuwaiti accusations that Iraq was hampering development in the region, one would be justified in asking how much Kuwait was spending on destabilizing Iraq and the region.

55. Mr. AL-SABEEH (Kuwait), speaking in exercise of the right of reply, said that the aggression committed by Iraq against Kuwait had certainly constituted an act of international terrorism. It was ridiculous to accuse Kuwait of financing terrorism to destabilize Iraq. Not only was Kuwait a small State facing a massively armed country, but it also had to be careful not to reverse roles: it was Iraq, after all, that had attacked Kuwait and not vice versa. He refused to discuss the exclusion zones and the effects of the embargo, as those

questions fell within the jurisdiction of the Security Council. Besides, the party most responsible for the prolongation of the embargo was Iraq itself. Rather than wrongly accusing Kuwait of spreading lies, Iraq would do better to bear in mind the declarations made by a senior Iraqi government official who had fled the country regarding the existence of weapons of mass destruction on Iraqi soil. As for the referendum scheduled to take place shortly in Iraq, he doubted that it reflected a true concern for democratization.

56. Mr. HAMZA (Iraq) said that he rejected the allegations made by the representative of Kuwait in their entirety, considering that they were not conducive to the establishment of peace.

57. Mr. AL-SABEEH (Kuwait) said that he refused to engage in further polemics with the representative of a regime that had come to believe its own lies. Iraq should renounce the idea of committing or supporting any act of international terrorism, as it was required to do under paragraph 32 of Security Council resolution 687 (1991).

The meeting rose at 5.30 p.m.